

Manteca, California
October 9, 2007

The Board of Directors of the South San Joaquin Irrigation District met in regular session in their chambers at the hour of 9:00 a.m.

Upon roll call the following members were noted present:

DIRECTORS: HOLBROOK KAMPER KUIL SCHULZ ROOS

Also present were Secretary/Manager Stroud, District Counsel Emrick, WTP Operations Manager Hartman, Engineering Department Supervisor Bologna, District Engineer Gilton, Utility System Director Shields, and Communications Coordinator Sayler.

President Kuil called the meeting to order and asked for public comment. Dawn Pascale addressed the Board relative to her mother Marilyn Pascale's property, located at 26550 East Mahon Avenue, Escalon. She said they have a severe problem with drainage and they need the District's help. President Kuil said we will investigate and put it on the agenda for the next meeting.

President Kuil asked the Board to consider approving the Consent Calendar Items as presented.

- A. Approve SSJID Warrants of \$745,344.67 and Payrolls of \$282,262.52.
- B. Regular Board Meeting Minutes of September 25, 2007 and Special Board Meeting Minutes of September 28, 2007.
- C. Award bid for Electric Entrance Gate project to Valley Entry Systems, Inc at a cost of \$38,494 + 5% contingency of \$1,924.
- D. Award bid for Solar Plant Fencing to Stockton Fence for \$65,838 + contingency of \$3,291.90.

Motion by Director Holbrook, seconded by Director Roos, to approve the Consent Calendar Items as presented.

PASSED AND ADOPTED this 9th day of October 2007 by the following roll call vote:

Ayes:	Holbrook	Kamper	Kuil	Schulz	Roos
Noes:	None				

Consider request by Escalon School District for silt. Stein said the request for 80 cubic feet is of de minimis value and he recommends giving the dirt to the school district if they load and transport it. Motion by Director Kamper, seconded by Director Schulz, and unanimously carried to give the dirt to the Escalon School District as recommend.

Consider approving Resolution 07-16-P authorizing sale of District's real estate interest in a portion of Lateral Ya to Manteca Lifestyle Center, LLC. A Delaware Limited Liability Company, and approve changes to District's standard Development Agreement and other documents in conjunction with the proposed Promenade Shops at Orchard Valley development project. Bologna said our Developers Agreement is standard. However, the developers counsel made a few changes which Mr. Emrick has read and approved. There are some issues that need to be worked out, acreage we say is 1.24, and they say 1.15. Also, the price is not firm. They feel it is \$8 per square foot, we feel some should be \$10. Director Holbrook said the legal's and the map have errors. Mr. Spencer, the Developer said he did not do the legal's. However, the difference in the acreage is due to a portion that is outside the land the developer owns. Emrick said he recommends approval of the agreement subject to his approval with the following: Raising the price to \$10 per square foot, and the acreage will be 1.15. Motion by Director Holbrook to adopt Resolution No. 07-16-P, subject to a price of \$10 per square foot for 1.15 acres. Additionally, correct the legal's and maps, and subject to District Counsel Emrick approving all changes to the contract.

SOUTH SAN JOAQUIN IRRIGATION

DISTRICT RESOLUTION NO. 07-16-P

**RESOLUTION AUTHORIZING THE CONVEYANCE BY QUITCLAIM
OF PROPERTY OWNED BY THE DISTRICT**

WHEREAS, the SOUTI-i SAN JOAQUIN IRRIGATION DISTRICT, hereinafter referred to as "District", is the title holder of property acquired by virtue of deed recorded in Book "901" of deeds, Page 28 of San Joaquin County Records on September 11, 1944, of San Joaquin County Records, hereinafter referred to as "Subject Property", and further described as a "hockey stick -shaped" strip of land in San Joaquin County located within a portion of Section 8, Township 2 South, Range 7 East, Mount Diablo Base and Meridian, and being more particularly described in the attached Exhibit "A", and

WHEREAS, the Subject Property lies within and adjacent to property described as APN 224-021-12, 10 and 13 ("Buyer Property") now owned or to be purchased by Manteca Lifestyle Center, LLC, A Delaware Limited Liability Company, hereinafter referred to as "Buyer", and

WHEREAS, Buyer wishes to purchase Subject Property from District pursuant to the terms approved by the District's Board of Directors at its June 28, 2005, March 28, 2006 and October 9, 2007, Board Meetings, and

WHEREAS, Buyer will grant District a new easement in Buyer's Property and will relocate the District's "Ya" facility within the new easement area in conjunction with the Promenade development project, and District will retain an easement in the Subject property until the new line is installed and tested, and

WHEREAS, the District's fee interest is surplus to its needs and the monetary consideration described below and Buyer's grant of the new easement and its relocation of the District's "Ya" facility is adequate for all reasonable District purposes, and

WHEREAS, his in the best interest of the South San Joaquin Irrigation District that the Subject Property be deeded to Buyer on the following conditions:

1. Buyer shall pay District \$375,705 for the Subject Property.
2. The Subject Property will be conveyed by Quitclaim Deed.
3. Buyer shall be responsible for all costs related to transfer, including but not limited to, closing costs, title fees, brokerage fees, survey costs, recording fees and administration costs.
4. Sale of the Subject Property shall be contingent upon compliance with any Government Code requirements that are applicable to the proposed sale.
5. District makes no warranties or representations of any kind in connection with the sale of the Subject Property
6. Buyer shall have conveyed new exclusive easement for the relocated Lateral "Ya" to serve as a replacement easement for the relocated irrigation and drainage facilities in accordance with policy and as directed by staff.
7. Buyer shall have executed a Developer's Agreement and such other documents as District shall require for installation of the new District facility
8. An easement in the Subject Property shall be reserved from sale until such time as the new facilities are installed and tested, at which time the easement shall automatically be relinquished.

'WHEREAS, the District's Board of Directors finds as follows:

1. The foregoing findings are true
2. The District's interest in the Subject Property proposed to be quitclaim deeded is no longer necessary for District purposes, and
3. The proposed disposition of the District's Easement in the Subject Property is categorically exempt under California Environmental Quality Act as Class 12 Project pursuant to 14 CA Adm. Code of Regulations 15112 since the surplus government property does not have significant value for wildlife habitat or other environmental purposes and the property is of such size and shape that it is incapable of independent development or use.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the South San Joaquin Irrigation District hereby authorize the President and Secretary execute on behalf of the District a quitclaim deed to the Buyer disposing of the District's interest in the Subject Property on the terms described above.

The undersigned Assistant Secretary of the South San Joaquin Irrigation District certifies that the foregoing action was taken by the Board of Directors at a regular meeting held on October 9, 2007.

Hartman reported:

Zenon is going to send us 45 side panels to help us remove and replace modules. Zenon has said the District may be distorting the forms when removing and replacing them.

Handed out the draft memo of the conference Ed Erisman, Senior Operator, attended recently. Several Zenon module users were in attendance. He said Erisman got names of 10 other entities using Zenon's modules and we will be contacting each of them.

He said since July we have about 1,000 hours repairing the modules. Stroud said Zenon offered to do this for \$500,000 per year.

Shields reported:

Handed out an article to use Jarvis on eminent domain to block water projects (dams).

District has received appraisal for the land we are putting the solar power panels on.

Stroud reported:

Currently diverting 220 cfs. OID spilled 2,370 acre feet on us last week.

Next Board meeting will have copies of letters from Central Valley Water Quality Control Board to landowners.

Safety Days are November 7, 2007 and November 15, 2007.

Director's reports:

Kamper asked the status of the City of Manteca water being brought to the District office. Stroud said he would have Gilton report on it at the next Board meeting.

President Kuil called for closed session. General Counsel Emrick said the Board will discuss items a through d.

- a. Conference with legal counsel, existing litigation. Gov. Code S. 54956.9 SSJID v. LAFCo, Superior Court San Joaquin County, Case No. CV 030255.
- b. Conference with labor negotiator, Agency Negotiator: Lee Clark and Jeff Shields Employee organization: I.B.E.W., Local 1245

- c. Conference with real property negotiator: Negotiating parties: District, Stockton East Water District. Property: Sale of Water. Agency Negotiator: Jeff Shields. Under Negotiation: Price
- d. Conference with legal counsel, anticipated litigation, initiation of litigation. Gov. Code, S. 54956.9 (c) One Case

Upon returning from closed session General Counsel Emrick reported there was no reportable action taken in closed session.

There being no further business to come before the Board it was moved by Director Roos, seconded by Director Schulz, and unanimously carried to adjourn to October 23, 2007 at 9:00 a.m.

ATTEST:

John Stein, Assistant Secretary